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17 IN THE UNITED STATES DISTRICT COURT  
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19 FOR THE DISTRICT OF OREGON  
20

21 Pendleton Division  
22

23 NICHOLAS RINNE, ) Case No. 2:13-cv-00425  
24 )  
25 Plaintiff, ) COMPLAINT FOR VIOLATION OF  
26 ) FAIR DEBT COLLECTION PRACTICES  
27 vs. ) ACT (15 U.S.C. § 1692 et seq) AND  
28 ) OREGON UNLAWFUL DEBT  
29 ENHANCED RECOVERY COMPANY LLC, ) COLLECTION PRACTICES ACT  
30 a Delaware limited liability company, )  
31 ) DEMAND FOR JURY TRIAL  
32 Defendant. )  
33

34 Plaintiff alleges:

35

36 PARTIES, JURISDICTION, AND VENUE

37 1.

38 Plaintiff is a resident of Malheur County, Oregon.

39 2.

40 Defendant is a Delaware limited liability company with its principal place of business in Duval  
41 County, Florida, and is engaged in business in Oregon as a debt collector.

1 3.

2 This court has jurisdiction pursuant to 15 U.S.C. § 1692k(d) and 28 U.S.C. §§ 1331 and 1337.

3 4.

4 This court has jurisdiction over Defendant pursuant to ORCP 4 A(4), as a business engaged in  
5 substantial activities in Oregon, and pursuant to ORS 4 C, 4 D and 4 K, as this action arises out of an  
6 injury in Oregon caused by an act directed into Oregon by Defendant prompting a response in  
7 Oregon by Plaintiff, and at the time of which Defendant solicited business in Oregon.

8 5.

9 Venue lies in this district pursuant to 28 U.S.C. § 1332(b)(2).

10

11 FIRST CLAIM FOR RELIEF

12 Count One

13 (Violations of Fair Debt Collection Practices Act)

14 5.

15 Defendant is a debt collector.

16 6.

17 On December 14, 2012, Plaintiff received a telephone call on his residence's answering  
18 machine that did not leave a message. Later that day, he telephoned the number left by Caller ID, and  
19 was connected to an employee of Defendant identified as Torra Range. Ms. Range did not identify  
20 herself until more than 60 seconds after attempting to confirm an incorrect mailing address for  
21 Defendant. Ms. Range also obtained a correct address before properly identifying herself. She did  
22 not state the purpose of the communication was for debt collection purposes until several minutes  
23 after Plaintiff contacted Defendant.

24 7.

25 Defendant's conduct violated the Fair Debt Collection Practices Act, 15 U.S.C. § 1692 et seq, in

1 the following particular:

2 (a) Use of deceptive means, *i.e.*, failure to timely disclose the name of the individual  
3 caller and the purpose of its communication with Mr. Rinne as required by state law, to obtain  
4 information and to attempt to obtain agreement to a payment plan, in violation of 15 U.S.C. §  
5 1692e(10).

6 8.

7 Pursuant to 15 U.S.C. § 1692k, Plaintiff is entitled to statutory damages of \$1,000 and his  
8 reasonable attorney fees.

9

10 Count Two

11 (Violation of Oregon Unlawful Debt Collection Practices Act)

12 9.

13 Plaintiff realleges paragraph 5 and 6.

14 10.

15 Defendant's conduct violated ORS 646.639(2)(i) by not informing Plaintiff of her identity or the  
16 true purpose of the communication within 30 seconds of the initiation of the contact.

17 11.

18 Defendant knew or should have known, in light of its registration as a debt collector in Oregon  
19 that its conduct was a violation of ORS 646.639(2)(i).

20 12.

21 As a result of Defendant's conduct, Plaintiff is entitled to statutory damages of \$200 and his  
22 reasonable attorney fees pursuant to ORS 646.641.

23

24 WHEREFORE, Plaintiff prays for relief as follows:

25 1. Judgment for Plaintiff and against Defendant in the sum of \$1,200 statutory damages;

2. For his costs, disbursements, and reasonable attorney fees; and
3. Such other relief as is just and equitable.

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**4 PLAINTIFF HEREBY DEMANDS A JURY TRIAL.**

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6 DATED this 12<sup>th</sup> day of March, 2013.

7 /s/ Daniel R. Reitman

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Daniel R. Reitman, OSB #95393

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Attorney for Plaintiff

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